Notice of Allowability	Application No.	Applicant(s)	
	10/632,191	PAOLETTI, RICHARD D.	
	Examiner	Art Unit	
	Louis K. Huynh	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the amendment received on 10/26/06*.

2. ☒ The allowed claim(s) is/are *3,4,6-8,11,12,15,16,18,19,21,23,24,33 and 34*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Richard Klar (Reg. No. 31,385) on 12/07/2006.

3. The application has been amended as follows:

In Claim 3:

"claim 32" (line 2) has been changed to: --claim 33--.

In Claim 4:

"claim 32" (line 2) has been changed to: --claim 33--.

In Claim 6:

"claim 32" (line 2) has been changed to: --claim 33--.

In Claim 7:

"claim 32" (line 2) has been changed to: --claim 33--.

In Claim 8:

"claim 32" (line 2) has been changed to: --claim 33--.

Claim 9 has been cancelled.

Claim 10 has been cancelled.

In Claim 15:

"claim 33" (line 2) has been changed to: --claim 34--.

In Claim 16:

"claim 33" (line 2) has been changed to: --claim 34--.

In Claim 18:

"claim 33" (line 2) has been changed to: --claim 34--.

Claim 20 has been cancelled.

In Claim 21:

"claim 33" (line 2) has been changed to: --claim 34--.

Claim 22 has been cancelled.

Claim 33 has been replaced as follows:

33. (currently amended) A safety seal system for maintaining high alert medications sealed prior to use or administration, comprising:

an individual high alert medication container having a body and a closure thereon, said body includes side wall and a base transversely connected to the side wall of the body, said closure includes a cylindrical wall and a top transversely connected to said cylindrical wall of the closure;

a transparent tubular heat-shrink plastic cover having a warning statement and other distinguishing characteristics thereon for the purpose of alerting a person preparing said high alert medication container from being mistaken for a different medication container, and a set of perforation lines;

said transparent tubular heat-shrink plastic cover being placed on said individual high alert medication container and heated to form a heat-shrunk plastic seal covering the individual high alert medication container including a portion of the base of the body and extending to include a portion of the top of the closure;

wherein the set of perforation lines extends from a top edge of said heat-shrunk plastic seal located on the top of the closure to a bottom edge of said heat-shrunk plastic seal located on said base of said body, and is configured for a complete removal of the entire heat-shrunk plastic seal from the individual high alert medication container.

Claim 34 has been replaced as follows:

34. (currently amended) A safety seal method for maintaining high alert medications sealed prior to use or administration, the method comprising:

providing an individual high alert medication container having a body and a closure thereon, said body includes side wall and a base transversely connected to the side wall of the body, said closure includes a cylindrical wall and a top transversely connected to said cylindrical wall of the closure;

providing a transparent tubular heat-shrink plastic cover having a warning statement and other distinguishing characteristics thereon for the purpose of alerting a person preparing said high alert medication container from being mistaken for a different medication container, and a set of perforation lines;

placing said transparent tubular heat-shrink plastic cover over the individual high alert medication container; and

applying heat to shrink the transparent tubular heat-shrink plastic cover to form a heat-shrunk plastic seal covering the individual high alert medication container including a portion of the base of the body and extending to include a portion of the top of the closure, wherein the set of perforation lines extends from a top edge of said heat-shrunk plastic seal located on the top of the closure to a bottom edge of said heat-shrunk plastic seal located on said base of said body; and

completely removing of the entire heat-shrunk plastic seal from the individual high alert medication container prior to use or administration via the set of perforation lines.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

- The prior art of record fails to disclose a safety seal system as recited in claim 33 that comprises in combination: an individual high-alert medication container and a tubular transparent heat-shrink plastic cover having a warning statement and other distinguish characteristic and a set of perforation lines that is placed on the container and heated to form a heat-shrunk plastic seal covering the individual high alert medication container including a portion of the base of the container and extending to include a portion of the top of the closure, and wherein the heat-shrunk plastic seal includes a set of perforation lines that extends from an edge of the heat-shrunk plastic seal

located in the top of the closure to an edge of the heat-shrunk plastic seal located on the base of the container in order to facilitate a complete removal of the entire heat-shrunk plastic seal from the individual high alert medication container.

- The prior art of record also fails to disclose a method for maintaining high alert medications sealed prior to use or administration as recited in claim 34 that comprises in combination the steps of: providing an individual high-alert medication container having a closure comprising a top transversely connected to a side wall of the closure, and a body comprising a base transversely connected to a side wall of the body; providing a tubular transparent heat-shrink plastic cover having a warning statement and other distinguish characteristic and a set of perforation lines; placing the tubular transparent plastic cover on the container; applying heat to shrink the transparent tubular plastic cover to form a heat-shrunk plastic seal covering the individual high alert medication container including a portion of the base and extending to include a portion of the top of the closure; and completely removing the heat-shrunk plastic seal from the container prior to use or administration; wherein the set of perforation lines extends from an edge of the heat-shrunk plastic seal located in the top of the closure to an edge of the heat-shrunk plastic seal located on the base in order to facilitate a complete removal of the entire heat-shrunk plastic seal from the individual high alert medication container.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Louis K. Huynh
Primary Examiner
Art Unit 3721

November 07, 2006